



Linda S. Adams
Secretary for
Environmental Protection

California Regional Water Quality Control Board
North Coast Region
John W. Corbett, Chairman

www.waterboards.ca.gov/northcoast
5550 Skylane Boulevard, Suite A, Santa Rosa, California 95403
Phone: (877) 721-9203 (toll free) • Office: (707) 576-2220 • FAX: (707) 523-0135



Arnold
Schwarzenegger
Governor

August 8, 2007

In the Matter of

Water Quality Certification

for the

CITY OF WEED, RV DRIVE – CULVERT INSTALLATION PROJECT
WDID NO. 1A07019WNSI

APPLICANT:	City of Weed
RECEIVING WATER:	Black Butte Spring
HYDROLOGIC UNIT:	Shasta Valley Hydrologic Area No. 105.50
COUNTY:	Siskiyou
FILE NAME:	Weed, City of, RV Drive – Culvert Installation

BY THE EXECUTIVE OFFICER:

1. On March 2, 2007, the City of Weed (Applicant) filed an application for water quality certification (certification) under section 401 of the Clean Water Act (33 U.S.C. § 1341) with the California Regional Water Quality Control Board, North Coast Region (Regional Water Board) for activities associated with construction of a culverted stream crossing over the Black Butte Spring drainage channel in the City of Weed. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on June 7, 2007, and posted information describing the project on the Regional Water Board's website. We did not receive any public comments on this project.
2. The Black Butte Springs drainage channel is a perennial stream that flows through an approximately 597 acre area of proposed future development. RV Park Drive will provide access into the portion of the property located on the north side of the Black Butte Spring drainage channel. Construction of RV Park Drive requires installation of a culverted road crossing over the Black Butte Spring drainage channel. Flows in the drainage channel will be routed to the inlets of two 42-inch diameter and 100-foot long culverts that will be placed side-by-side in the drainage channel. The culverts will have flared end sections and rock slope protection will be placed around the inlets and outlets of the culverts. Vegetation will be cleared from both sides of the drainage channel where the culverts and rock slope protection will be installed.
3. The applicant applied to California Department of Fish and Game (CDF&G) for a Lake or Streambed Alteration Agreement (Agreement). CDF&G deemed the

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application complete, and on October 23, 2006, CDF&G informed the applicant in writing that the project can go forward without an Agreement.

4. The Applicant has applied to the United States Army Corps of Engineers to perform the project under Nationwide Permit Number 14, pursuant to Clean Water Act, section 404.
5. On August 8, 2002, the City of Weed adopted a mitigated negative declaration (SCH No. 2001082108) including a mitigation monitoring and reporting program for the project in order to comply with CEQA. The intent of the mitigation monitoring and reporting program is to ensure effective implementation of the adopted mitigation measures. As a responsible agency, the Regional Water Board has considered the mitigated negative declaration and any proposed changes incorporated into the project or required as a condition of approval to avoid significant effects to the environment. Potentially significant impacts identified in the environmental document within the Regional Water Board's jurisdiction are associated with potential for soil erosion and changes in absorption rates, drainage patterns, and the rate and amount of runoff. Proposed measures will mitigate project impacts to less-than-significant levels. Mitigation measures and conditions of approval are incorporated into this order by reference. This Water Quality Certification authorizes discharges associated with installation of culverts in Black Butte Spring; however, it requires that the Applicant comply with all applicable water quality standards and water quality-related conditions and requirements imposed by other agencies for all activities and discharges associated with development of the Shasta Mountain Recreational Vehicle Park.
6. On July 3, 2007, the Regional Water Board Executive Officer issued Cleanup and Abatement Order No. R1-2007-0057 (CAO) for unauthorized dredging activities that occurred along approximately one mile of the Black Butte Spring drainage channel and adjacent wetlands. The unauthorized dredging activities occurred during the same time period that Regional Water Board staff were processing the application for this water quality certification for activities associated with construction of the culverted stream crossing over the Black Butte Spring drainage channel. The CAO contains specific provisions directing all responsible parties to take action to restore the stream and wetland habitat of the Black Butte Spring drainage. The Applicant is not named as a responsible party in the CAO; however, the RV Drive stream crossing and the associated compensatory mitigation area are located within a portion of the drainage channel that was adversely impacted by the unauthorized dredging activities described in the CAO. The CAO requires the responsible parties to submit a stream and wetland habitat restoration workplan (CAO workplan) to restore the entire reach of the Black Butte Spring drainage channel that was adversely impacted by the unauthorized dredging.
7. The Applicant submitted a Compensatory Mitigation Plan for the City of Weed RV Park Drive Project (CMP). The CMP contains a stream habitat restoration component that consists of gravel placement within a 200 foot reach of the Black Butte Spring drainage channel southeast of the RV Drive culvert. Implementation of the gravel placement component of the CMP will be postponed until Regional Water Board staff confirm that gravel placement activities described in the CMP are consistent with the restoration activities contained in the approved CAO workplan.

Receiving Water: Black Butte Spring drainage in the Shasta Valley Hydrologic Area No. 105.50

Filled or Excavated Area: Area Temporarily Impacted: none
Area Permanently Impacted: 0.2 of streambed

Total Linear Impacts: Length Temporarily Impacted: none
Length Permanently Impacted: 180 linear feet of streambed

Dredge Volume: None

Latitude/Longitude: 41.40221 N/122.37074 W

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the RV Drive Culvert Installation Project (WDID No. 1A07019WNSI), as described in the application, will comply with sections 301, 302, 303, 306 and 307 of the Clean Water Act, and with applicable provisions of state law, provided that the City of Weed complies with the following terms and conditions:

1. This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Water Code section 13330 and title 23, California Code of Regulations, section 3867.
2. This certification action is not intended and shall not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to title 23, California Code of Regulations, section 3855, subdivision (b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. This certification is conditioned upon total payment of any fee required under title 23, California Code of Regulations, section 2200, and owed by the Applicant.
4. The Regional Water Board shall be notified prior to the commencement of ground disturbing activities, with details regarding the construction schedule, in order to allow staff to be present onsite during construction, and to answer any public inquiries that may arise regarding the project.
5. No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete washings, oil or petroleum products, or other organic or earthen material from any construction or associated activity of whatever nature, other than that authorized by this Order, shall be allowed to enter into or be placed where it may be washed by rainfall into waters of the State. When operations are completed, any excess material or debris shall be removed from the work area. No rubbish shall be deposited within 150 feet of the high water mark of any stream.

6. BMPs for erosion, sediment and turbidity control shall be implemented and in place at commencement of, during and after any ground clearing activities or any other project activities that could result in erosion or sediment discharges to surface water.
7. All activities and BMPs shall be implemented according to the submitted application and the conditions in this certification.
8. A copy of this Order shall be provided to all contractors and subcontractors conducting the work, and shall be in their possession at the work site.
9. If, at any time, an unauthorized discharge to surface water (including wetlands, rivers or streams) occurs, or any water quality problem arises, the associated project activities shall cease immediately until adequate BMPs are implemented. The Regional Water Board shall be notified promptly and in no case more than 24 hours after the unauthorized discharge or water quality problem arises.
10. Disturbance or removal of vegetation shall not exceed the minimum necessary to complete the project.
11. The Applicant shall implement the revegetation component contained in the Compensatory Mitigation Plan (CMP) for the City of Weed RV Park Drive Project dated July 12, 2007.
12. The Applicant shall not implement the streambed restoration component (gravel placement) of the CMP until Regional Water Board staff informs the applicant that an acceptable stream and wetland restoration workplan has been received in response to the CAO and gravel placement activities in the CMP are consistent with the restoration activities identified in the CAO workplan. Delaying implementation of the gravel placement activities described in the CMP is necessary to confirm that the activity is consistent with the restoration activities and goals of the CAO workplan. The Applicant shall implement the streambed restoration component of the CMP within one year of receiving notification to proceed. If gravel placement within the 200 foot area southeast of the culvert crossing is not consistent with the restoration goals in the approved CAO workplan, the Applicant shall modify the streambed restoration component in the CMP to ensure that the Applicant's compensatory restoration activities within that 200 foot area southeast of the culvert crossing are consistent with the goals of the stream and wetland habitat restoration in the CAO workplan.
13. The conditions and monitoring and reporting requirements detailed in the August 2002 Mitigation Monitoring and Reporting Program for the Shasta Mountain Recreational Vehicle Park (MMRP) and the May 2007 Addendum to the MMRP are hereby incorporated by reference and are conditions of approval of this certification. Notwithstanding any more specific conditions in this certification, the Applicant shall comply with all mitigation measures identified in the MMRP and Addendum.
14. The Applicant shall submit a drainage study to the Regional Water Board that identifies the method of collection and conveyance of tributary flows from offsite as

well as the method of treatment and control for increased run-off generated onsite. The drainage study shall include a drainage plan that incorporates best management practices for post-construction storm water runoff collection, conveyance, and treatment. The Applicant shall not allow any development of the Shasta Mountain Recreational Vehicle Park or any other type of development on the RV Park property (north side of Black Butte Spring), with the exception of construction of RV Park Drive, until Regional Water Board staff have provided written approval of the drainage plan.

15. Prior to implementing any change to the project that may have a significant or material effect on the findings, conclusions, or conditions of this Order, the Applicant shall obtain the written approval of the Regional Water Board Executive Officer.
16. All project work shall be conducted as described in this Order and in the application submitted by the Applicant. If the Regional Water Board is not notified of a significant alteration to the project, it will be considered a violation of this Order, and the Applicant may be subject to Regional Water Board enforcement actions.
17. The Regional Water Board may add to or modify the conditions of this Order, as appropriate, to implement any new or revised water quality standards and implementation plans adopted and approved pursuant to the Porter-Cologne Water Quality Control Act or Section 303 of the Clean Water Act.
18. The Applicant shall provide Regional Water Board staff access to the project site to document compliance with this certification.
19. In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under applicable State or federal law. For the purposes of section 401(d) of the Clean Water Act, the applicability of any State law authorizing remedies, penalties, process or sanctions constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this certification. In response to a suspected violation of any condition of this certification, the Regional Water Board may require the holder of any federal permit or license subject to this certification to furnish, under penalty of perjury, any technical or monitoring reports the Regional Water Board deems appropriate, provided that the burden, including costs, of the reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. In response to any violation of the conditions of this certification, the Regional Water Board may add to or modify the conditions of this certification as appropriate to ensure compliance.
20. In the event of any change in control of ownership of land presently owned or controlled by the Applicant, the Applicant shall notify the successor-in-interest of the existence of this Order by letter and shall forward a copy of the letter to the Regional Water Board at the above address.

To discharge dredged or fill material under this Order, the successor-in-interest must send to the Regional Water Board Executive Officer a written request for transfer of the Order. The request must contain the requesting entity's full legal name, the state of incorporation if a corporation, and the address and telephone number of the person(s) responsible for contact with the Regional Water Board. The request must also describe any changes to the project proposed by the successor-in-interest or confirm that the successor-in-interest intends to implement the project as described in this Order.

21. Except as may be modified by any preceding conditions, all certification actions are contingent on: a) the discharge being limited to and all proposed mitigation being completed in strict compliance with the Applicant's project description, and b) compliance with all applicable requirements of the Water Quality Control Plan for the North Coast Region (Basin Plan).
22. The authorization of this certification for any dredge and fill activities expires on August 8, 2012. Conditions and monitoring requirements outlined in this certification are not subject to the expiration date outlined above, and remain in full effect and are enforceable.

If you have any questions or comments please call Dean Prat at (707) 576-2801.

Catherine E. Kuhlman
Executive Officer

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Original to: Mr. Craig Sharp, City of Weed Public Works Department, P.O. Box 470
Weed, CA 96094

Copies to: U.S. Army Corps of Engineers, District Engineer, P.O. Box 4863, Eureka,
CA 95502
Ms. Jane Hicks, U.S. Army Corps of Engineers, Regulatory Functions,
1455 Market Street, San Francisco, CA 94103-1398